

1900-045 Chancery Causes: J. M. Russell & vs. Dudley E. Hickam &
Lee Co.

Howard, Caywood

1 Plat

CA-Estate Dispute

7-Property

To the Honorable H. A. W. Allen, Judge of
the Circuit Court for Lee County Virginia

Your Complainants J. M. Russell,
C. B. Russell, Annie J. Howard, and
W. B. Caywood, would respectfully
represent ~~to~~ the Court, that on the
9th day of April 1861, one Jacob
Grabell conveyed to Lucinda J.
Russell, wife of Irvin H. Russell, ~~Josephus~~
Grabell, Catherine Munney, wife of Francis
A. Munney, Nancy E. Russell, wife of L. D. Russell
and Martha M. Grabell and their
heirs all of his lands in Lee County
Virginia ~~except the survey on which he~~
~~then resided, and one other tract~~
adjoining the same, known as the
Living Survey, and this conveyance
was made to said parties
as five of his heirs at law, ~~deeds~~
of which said deed will be
filed herewith marked "A," if
necessary; that afterwards
the said five parties divided
said lands among themselves
and made deeds to each other
for the shares each got in
said division; that in said
division, the said Josephus
Grabell and wife, Francis A. Munney
and Catherine Munney his wife, Nancy
E. Russell, and Martha M. Grabell
instead of conveying to Lucinda

J. Russell the share belonging
to her in said land, the deed
was made, by mistake, to her
husband Irvin H. Russell,
~~Said~~ deed is dated September
8th 1864 and recorded in the
Clerk's office of the Lee County
Court; in deed book 15 page
322; that the lands so convey-
ed to the said Irvin H. Rus-
sell, for his said wife Susanna
J. Russell, consisted of two tracts
to wit: one of said tracts of land
contains 68 acres, more or less,
and is situated mostly on
the South Side of the Poor Valley
Ridge in Lee County Virginia;
and other of said tracts of
land contains 98 acres more
or less, and is situate in the
Poor Valley in Lee County
Virginia, and for a more partic-
ular description of said two
tracts of land reference is
hereby made to said last men-
tioned deed, a copy which said
deed is herewith filed marked
"A" and prayed to be considered
as part of this bill,
Your complainants further repre-
sent that the said Irvin H. Russell,

died, intestate, on or about the
27th day of December 1893, and
that the said Lucinda J. Russell,
his wife, died ^{intestate} on the 8th day of
June 1898, and they left the
said J. M. Russell and C. C.
Russell surviving them as two
of their children and heirs
at law, and W. B. Caywood
Nannie J. Howard and J. Thomas
Condy Caywood, who ~~were~~
the children of Sarah J. Cay-
wood ne Russell, a daughter
of the said Irvie H. and Lucinda
J. Russell, ^{deceased} and the said
Sarah J. Caywood died, intestate,
on the 3rd day of March 1887,
and the said W. B. Caywood
Nannie J. Howard and J. Thomas
Condy Caywood are three of
the grandchildren and heirs
at law of the said Irvie H.
and Lucinda J. Russell deceased
and Dudley E. Hickman and
Thomas J. Hickman who are
the children of Ellen F. Hickman
deceased, who died intestate on
the 28th day of May 1886, and who
was a daughter of the said Irvie
H. and Lucinda J. Russell, ^{deceased} and
^{two of} their ~~children~~ children and heirs
at law. And Complainant

are advised that although said
last mentioned deed was made
between father instead of their
mother but have said land
belonged, that in equity their
said father will be treated
as a trustee holding the legal
title to said lands for their
mother, and even if this
were not true that under
the facts as stated the said
children and grandchildren
are the heirs at law of the
said Irvin H. and Lucinda
J. Russell both deceased to
whom said two tracts of
land descended.

Complainant further represent
that the said J. M. Russell
has purchased the undivided
interest of the said Annie
J. Howard in the said 68 acre
tract of land lying mostly on
the South Side of said Poor
Valley Ridge, and that the said
C. C. Russell, has purchased the
undivided interest of the said
W. B. Layman in said 68
acre tract land lying
mostly on the South Side
of said Poor Valley Ridge.
By this deed ^{or conveyance} these interests will
be found herewith marked C & D.

Therefore all of said parties
own their respective interests
in the 98 acre tract of land
lying in the Poor valley, and
the said J. M. Russell, C. C. Rus-
sell, J. Thomas Leedy Leaywood,
Dudley E. Hickman and Thomas
J. Hickman waived ~~own~~ their
respective interests in the said
68 acre tract of land lying north
on the south side of said Poor
valley Ridge.

Complainants further represent
that the said Dudley E. Hickman
Thomas J. Hickman and J. Thomas
Leedy Leaywood are infants
under the age of twenty one
years.

Now therefore the object of this
bill is to have said two
tracts of land, containing
68 and 98 acres respectively
partitioned between the
said J. M. Russell, C. C. Russell,
Nannie J. Harwood, W. B. Clayton
J. Thomas Leedy Leaywood,
Dudley E. Hickman and
Thomas J. Hickman according
to their respective interests
therein.

The premises considered the prayer,
therefore, of your Complainants

is that the said Dudley E. Hick-
am, Thomas J. Hickam, and
J. Thomas Condy Caywood
be made parties defendant
to this bill, and be required
to answer the same, but
not under oath, that being
waived; that the said two
tracts of land, containing
68 and 98 acres respectively
be divided between your
complainants and the said
Dudley E. Hickam, Thomas
J. Hickam and J. Thomas
Condy Caywood according
to their respective interests
therein, that a guardian
ad litem be assigned
to the said defendants who
are infants under the age of
twenty one years to defend
their interests in this suit,
and that such other further and
general relief may be granted
your complainants or the nature
of their case may require, or
equity may seem meet. May
Day issue &c. And your com-
plainants will ever pray &c.

B. H. Summell
J. G.

Plffs Costo
 Clerk 824
 Tax 1.50
 Sheriff 3.50
 atty 15.00
 L M Larned 13.00
 Edds 3.00
 Carter 3.00
 J M Russell 525
 C C Russell 1.50
 Gaywoods 225
 County Clerk 485
 G A L \$63.09
 5.00
 \$68.09

(B.H.)
 J M. & C. C. Russell et al,
 vs { Original bill
 Dudley E. Hickman et al

1899 2nd Oct rules bill
 filed and spa & sealed
 + D. N.
 " 1st Nov rules held the
 last Monday in Oct
 D. N. Confd + Cause set
 for hearing

June Term 1900 Deane
 final Chex Order Book
 No 6 Page 414

To the Honorable H.A.W.Skeen, Judge of the Circuit
Court for Lee County, Virginia:

The answer of Dudley E. Hickam, Thomas J. Hickam and J. Thomas
Condy Caywood, infants under the age of 21 years, by D.C. Sewell their
Guardian ad litem, assigned to defend them in this suit, to a bill of
complaint exhibited against them in the Circuit Court for Lee County,
Virginia, by J.M. Russell, C.C. Russell, Nannie J. Howard and W.E. Cay-
wood.

The respondents, reserving to themselves the benefit of all
just exceptions to the said bill, for answer thereto, or to so much
thereof as they are advised that it is material they should answer, by
their said Guardian ad litem, answer and say:

That they are infants of tender years, and by reason of their
infancy are incapable of understanding, or of taking care of their
rights and interests. They, therefore, by their said Guardian, com-
mend themselves and their rights and interests to the protection of the
Court, and pray that no decree may be pronounced which will tend to
their prejudice.

And having fully answered, the said respondents pray to be
hence dismissed with their reasonable costs in this behalf expended,
and they will ever pray &c.

D. C. Sewell
Guardian Ad Litem
for
Dudley E. Hickam
Thomas J. Hickam
X J. Thomas Condy Caywood -
infants under 21 years -
Sworn to before me this 16th Nov 1889
A. B. Munsey Clerk

J. M. & C. C. Russell

vs Mrs. T. A. Litem

Dudley E. Hickman et al

J.M. & C.C. Russell et als ----- Plaintiffs

Vs.

In Chy.

Dudley E. Hickam et als ----- Defendants

Upon the calling of this case on motion of the plaintiffs by their counsel D.C. Sewell is appointed Guardian ad litem for the infant defendants Dudley E. Hickam, Thomas J. Hickam and J. Thomas Condry Caywood, and on the motion of the said Guardian ad litem leave is hereby granted him to file his answer in this cause which is accordingly done.

And thereupon this cause came on this the 16th day of November, 1899 to be heard upon the bill of the plaintiff and exhibits filed therewith ~~and~~, upon process duly executed upon said defendants and upon the answer of the said Guardian ad litem for said infant defendants and with general replication thereto, and was argued by counsel. for reasons
On consideration whereof and ~~it~~ appearing to the Court the parties to this suit are entitled to a partition among themselves of the said two tracts of land mentioned and described in the bill, Therefore it is adjudged ordered and decreed that L.M. Carmical, V.P. Carter and H.E. Edds be and they ~~are~~ are hereby appointed commissioners for the purpose, who after first being duly sworn to ~~make~~ equal and a fair partition of the said two tracts of land, will go upon the said two tracts of land and make partition of the same as follows: First, they will lay off the Poor Valley tract of land containing 98 acres more or less in to four equal parts, giving to the said J.M. and C.C. Russell each one equal fourth part thereof, and to the said Nannie J. Howard, W.B. Caywood and J. Thomas Condry Caywood one equal fourth part thereof either jointly or separately according to their respective interests therein, as they may desire, and to the said Dudley E. Hickam and Thomas J. Hickam one equal fourth part thereof either jointly or separately according to the respective interests therein as they may desire; and, Second, in dividing the said 68 acre tract of land lying mostly on the south side of Poor Valley ridge, they will lay off and assign to J.M. and C.C. Russell each four twelfths, ^{thereof} and to the said Dudley E. Hickam and Thomas J. Hickam three twelfth thereof either jointly or separately

according to their respective interest therein as they may desire,
and to the said J. Thomas Condry Caywood one twelfth part thereof.
Said commissioners in making said partition will have due regard to ~~the~~
quantity, quality, ways, woods and water. ~~and the same~~ Said Commissioners
will make a report of the duties assigned them in this decree together
with a fair plat of the partition of said land to the next term of
this Court, and this cause is continued.

J. M. & C. C. Russell et al
vs { Decree
for partition.
Dudley & Hickman et al

Entered on City
Order Book No 6
Page 329 & 30

Enter this,
Nov. 16th 1899,

H a W Sisk

(7)

J. M. & C. C. Russell Plaintiff	}	In Chancery
vs		
Amelia C. Hickman Deft		

Pursuant to an order of The Circuit Court of Lee County County Va. dated Nov 16th 1892. We the undersigned Commissioners L. M. Combs, O. P. Carter & H. C. Eads have performed the duties assigned us therein according to the following plat and report. Having been duly sworn we partitioned the 68 acre tract as follows. We have laid off and assigned to C. C. Russell Lot No 1 which we regard equal in value to $\frac{1}{2}$ the entire tract and bounded as follows. Beginning at A a large white oak in a field original corner thence with original line N 74° W 73 $\frac{3}{8}$ poles to A a stake thence S 74° W 51 $\frac{1}{2}$ poles to a B stake & ash pointer on the West original line and with the same S 10° E 73 $\frac{1}{2}$ poles to A stake original corner thence N 74° E 46 $\frac{1}{4}$ poles to the beginning containing 22 acres More or less.

We have laid off and assigned to J. Thomas County Caywood Lot 2, or $\frac{1}{2}$ in value of the whole tract and bounded as follows. Beginning at A a stake on the original East line and

With the same $N 74^{\circ} 10' 31 \frac{1}{8}$ poles to ^{B'} a stake
in a meadow branch $S 74^{\circ} 4' 10' 52 \frac{1}{4}$ poles to a
stake and small mulberry on the west orig-
inal line and with the same $S 10^{\circ} 4' 6' 31 \frac{1}{4}$ p
 $N 74^{\circ} 4' 6' 31 \frac{1}{4}$ poles to the beginning containing 10 acres
More or less see Fig $A^2 B' B^2 A^3$

We have laid off and assigned to
J. M. Russell Lot 3, which we consider
equal in value to $\frac{1}{3}$ the whole tract and
bounded as follows to wit: Beginning
at B' a stake on the original east line
corner to Lot 2 and with line of some
 $S 74^{\circ} 4' 10' 29$ poles to ^{small dogwood} C' a stake. Thence
 $N 10^{\circ} 4' 10' 143$ poles to C² a stake on the
north line and with the same $N 74^{\circ} 4'$
 $E 8$ poles to C³ a dogwood & sawwood
(down) original corner thence with
original line $S 14^{\circ} 6' 29 \frac{1}{4}$ poles to stake
on the Fisher line $S 16^{\circ} 4' 6' 18$ poles to C⁴ a
large elm in a hollow $S 14^{\circ} 4' 6' 28$ poles to
an ash stump on the west side of a
hollow & branch, $S 36^{\circ} 4' 6' 23$ poles to the
beech (grove) and buckeye in said hollow
 $N 73^{\circ} 4' 6' 8$ poles to a stake original North East
Corner thence with original east line
 $S 73^{\circ} 4' 6' 54 \frac{1}{2}$ poles to the beginning
Containing 18 acres More or less

We have laid off and assigned to Dudley
C. Hickam and Thomas J. Hickam Lot No
4 which we regard equal in value to $\frac{1}{2}$ the
entire tract and bounded as follows -

Beginning at C¹ a stake in a fenced
corner to Lot 3 and with a line ^{thereof}
^{and small dogwood} N $10\frac{1}{4}$ W 143 poles to C² a stake, on the north
line of survey & with the same S $14\frac{1}{4}$ W
23 poles to a hollow poplar - thence with
original east line S $10\frac{1}{4}$ E 143 poles to B² the
SW corner of Lot 2, a stake & small mulberry, &
with line thereof N $74\frac{1}{4}$ E 23 poles to the
beginning containing 20 acres more
or less.

The proprietors of
Lots No 4 & 2 to have right to haul through
through Lot 1, And also the proprietors
of Lot 2 have the same privilege, but said
haul way to be so located to do the
least possible damage to Lot 1, and
at the same time to be a practicable
way.

The proprietors of Lots No 1, 2 & 4 to have
the privilege to obtain water, for house-
hold purposes only, at large spring
on Lot 3.

We have partitioned the Poorvally tract, which we found to contain about 72 acres as follows. We have laid off and assigned to Dudley C. Hickam & Thomas J. Hickam Lot 5 which are regarded equal in value to three twelfths of said tract and bounded as follows to wit. Beginning at D¹ a stake on the original West line and in the center of the L & N. R. R. thence in the direction of said road N 88¹/₂ E 18¹/₄ poles S 2 W 97 poles to D³ a stake & small hickory bush on the original South line & with the same S 74¹/₄ W 19 poles to D⁴ a stake the original S W corner of tract thence with said West line N 2 E 146 poles to D⁵ a stake on North line of tract & with the same N 73¹/₂ E 19 poles to a stake thence S 2 W 43 poles to D² stake in middle of said railroad & with same S 88¹/₂ W 18¹/₄ poles to the beginning. Containing 17¹/₄ Acres more or less. To retain upon it the large end of the North house, the remaining houses to be removed as herein and after provided.

We have laid off to the Caywood heirs
 (4) one fourth in value the whole tract
 which we have subdivided as follows
 we have laid off and assigned
 to Annie J. Howard Lot No 6 bounded
 as follows. Beginning at E^2 a stake
 in the middle of Railroad corner to Lot
 5 Thence $N 88 \frac{1}{2}^{\circ} E$ 6 poles to E^1 a stake Thence
 $S 2 W 95$ poles to E^2 a stake on south line
 & with some $S 74 \frac{1}{4}^{\circ} W$ 64 poles to D^3 a stake &
 small pickery corner to Lot 5 & with line
 of some $N 2 E$ 146 poles to D^4 a stake on
 North line & with some $N 73 \frac{1}{2}^{\circ} E$ 64 poles E^3
 thence $S 2 W 45$ poles to E^1 ^{$S 88 \frac{1}{2}^{\circ} W$ 6 poles to the} then beginning
 Containing $5 \frac{1}{4}$ acres more or less. To
 have & to remove the small house that stands on line
 We have laid off and assigned to W.
 B. Caywood Lot No 7 bounded as
 follows Beginning at E^1 a stake in
 the centre of the Railroad corner to Lot
 6 Thence $N 88 \frac{1}{2}^{\circ} E$ $6 \frac{7}{8}$ poles to F^1 a stake
 $S 2 W 91$ poles to F^2 a stake on the south
 line & with the same ^{$S 74 \frac{1}{4}^{\circ} W$} $7 \frac{1}{8}$ poles to E^2 a stake
 corner to Lot 6 and with line of some
 $N 2 E$ 146 poles to E^3 the North original
 line and with the same ~~$N 73 \frac{1}{2}^{\circ} E$~~ $7 \frac{1}{8}$ poles
 to E^3 a stake ^{Thence $S 88 \frac{1}{2}^{\circ} W$ $6 \frac{7}{8}$ poles to E^1} $S 2 W 46$ poles to E^1 the beginning
 Containing $6 \frac{1}{2}$ acres more or less

We have laid off and assigned to J. Thomas Candy Caywood Lot N^o 8 bounded as follows - Beginning at F' a stake in centre of Railroad thence N 88¹/₂ E 67³/₈ poles to C¹ a stake thence S 2 W 92 poles to C² ^{a maple on N} The south line & with the same S 74¹/₂ W 7³/₈ poles to F² a stake corner to Lot 7 and with line of same N 2 E 146 poles to North line & with the same N 73¹/₂ E 7³/₈ poles to C³ a stake thence S 2 W 48 poles to C⁴ ^{thence S 88¹/₂ W 9¹/₈ poles to F'} The beginning containing 6¹/₂ Acres more or less.

We have laid off and assigned to J. M. Russell Lot N^o 9 regarding it equal in value to ¹/₄ the whole tract bounded thusly - Beginning at C' a stake in centre of Railroad thence N 88¹/₂ E 19³/₄ poles to H' a stake thence S 2 W 89 poles to H² a stake ^{with hazel bush} on the south line & with the same S 74¹/₂ W 20¹/₂ poles to A² a maple corner to Lot 8 and with line of same N 2 E 146 poles to a stake on the North original line & with the same ^{thence S 88¹/₂ W 19³/₄ poles to} N 73¹/₂ E 20¹/₂ poles S 2 W 52 poles to A¹ the beginning containing 18³/₄ Acres more or less.

We have laid off and assigned to
C. C. Russell Lot No 10 bounded as
follows to wit 'Beginning at H' a
stake in centre of Railroad corner to
Lot No 9 thence $N 88^{\circ} 2' E$ 18 poles to I a
^{on original best line & with same} stake $S 1^{\circ} 2' W$ 38 poles to I a white oak &
spruce joint, thence with original best lines
 $N 72^{\circ} 2' E$ 6 poles to a beech (about $1\frac{1}{2}$ poles north of
Creek) $S 31^{\circ} 2' E$ 8 poles to a white oak $S 32^{\circ} 2' W$
17 poles thence south 26° to I³ stake on
the original south line and with
the same $S 74^{\circ} 2' W 20^{\circ}$ poles to small hazel
bushes corner to Lot 9 and with
line of same $N 2^{\circ} E$ 146 poles to a stake on
the north original line and with the
same $N 73^{\circ} 2' E 18^{\circ}$ poles to a stake corner
to the Dingle land & with the same
^{I thence $S 88^{\circ} 4' W 18^{\circ}$ poles to} $S 1^{\circ} 2' W 95$ poles to the beginning
Containing $17\frac{1}{2}$ acres more or less

Lots No 9 & 10 to have jointly the privilege
of moving & returning the houses on Lot
No 5, that have not already been disposed
of in this report.

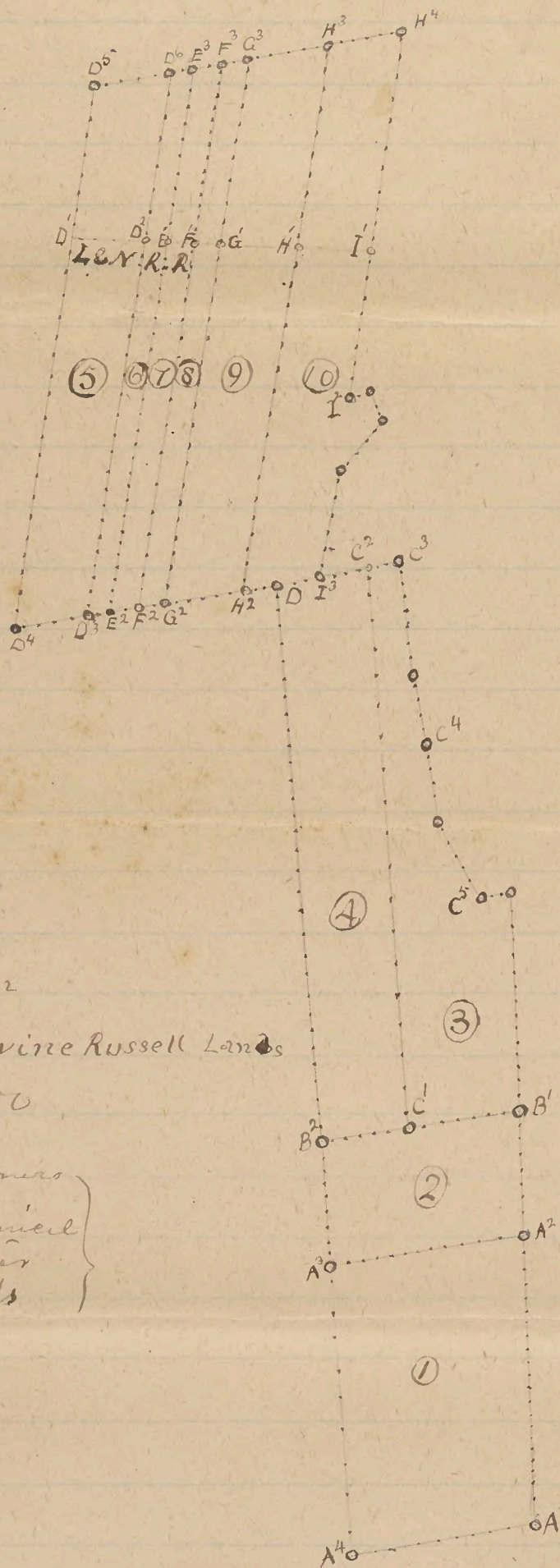
And all Lots to have the privilege of
obtaining water, for household purposes
only, at the large spring on Lot No 5,
In making these assignments

We have had due regard to quantity
 quality water ways & woods, but we are in-
 formed that the lands on the north
 side of Poor Valley ridge ^{contain} valuable views are
 of unequal distribution, and we were request-
 -ed to except from these assignments the
 mineral rights, which is thought best
 to be retained undivided, but as we were
 not satisfied that we possessed this power
 we leave this part open until we
 are further advised.

Respect Submitted this
 the 24th of Feb 1900,
 L. M. Carrinical
 V. P. Carter } Comm
 H. E. Elders }

Bill of Cost

Conley Caywood 1 1/4 days	}	\$ 2.25
B. Caywood 1 3/4 "		
J. M. Dufell 2 "		1.50
" " for Board		3.00
C. C. Dufell 2 days		1.50
J. M. Dufell furnished food		7.50
Comm } Elders 3 days		3.00
} Carter 3 "		3.00
L. M. Comm 6 "		15.00
		<hr/> \$ 30.00



Partition

Plat of the Irvine Russell Lands
in 1900

By Commissioners
Carmichael
Carter
Edels

Copy JMS Murdery
J. M. & C. C. Buford. Plaintiffs

vs

Seadley C. Hackam et al Defts

Virginia Lee Co. to wit

In Chy.

This ^{for} appeared before me the undersigned a Justice of the Peace of the aforesaid county & state, L. M. Carmichael V. P. Carter & H. E. Edley Commissioners appointed to partition the land named in the above styled Cause and made oath that they would partition the said as required in said order or decree of partition. Given under my hand this the 21st of Feb 1900.

Fee \$ 1.00

A. J. Myers, J. P.

J. M. & C. C. Russell

os } Comrs Report

Dudley & Hickam et al

Filed Feby 28th 1900

A. B. Munsey Clerk

J. M. & C. C. Russell et al Plffs

vs

Dudley E. Hickam et al Dfs

} In Chancery

This cause came on again this the 12th day of June 1900 to be heard upon the papers formerly read, and the report, of L. M. Carnichael, V. P. Carter and H. E. Edds Commissioners appointed to make partition of the lands in the bill and proceedings mentioned, and the plat filed with said report, filed on the 28th day of February 1900, and was argued by Counsel. And there being no exceptions to said report and plat filed therewith, it is adjudged ordered and decreed that said report and the partition thereby made be and the same are hereby approved and confirmed.

And it is further adjudged ordered and decreed, that C. C. Russell take and hold Lot No. 1, in the tract of land containing 68 acres, lying mostly on the south side of the Poor Valley Ridge, and containing twenty two acres, more or less; that J. Thomas Condy Baywood take and hold Lot No. 2, in said tract, containing ten acres more or less; that J. M. Russell take and hold Lot No. 3, in said tract, containing sixteen

acres, more or less; That Dudley E. Hickam and Thomas J. Hickam take and hold Lot No. 4, in said tract, containing twenty acres, more or less, and the proprietors of Lots No. 4 & 2 to have the right to haul through lot 1. and also the proprietors of Lot 2, have the same privilege, but said haulway to be so located to do the least possible damage to Lot 1. and at the same time to be a practicable way, and the proprietors of Lots No. 1, 2 & 4 to have the privilege to obtain water, for household purposes only, at large spring on Lot 3; that Dudley E. Hickam and Thomas J. Hickam take and hold Lot No 5, in the tract of land containing 72 acres, lying in the Poor Valley, containing seventeen and one fourth acres, more or less, and to retain upon it the large end of the North house, the remaining houses to be removed as herein and after provided; that Annie J. Howard take and hold Lot No. 6, in said tract, containing five and three fourths acres, more or less, and to have & to remove the small house that stands on line; that W. B. Caywood take and

hold Lot No. 7, in said tract, containing six and one half acres, more or less; that J. Thomas Candy Baywood take and hold Lot No. 8, in said tract, containing six and one half acres, more or less; that J. M. Russell take and hold Lot No. 9, in said tract, containing eighteen and three fourths acres, more or less; that C. C. Russell take and hold Lot No. 10, in said tract, containing seventeen and one half acres more or less, and Lots No. 9 & 10 to have jointly the privilege of removing & retaining the houses on Lot No. 5, that have not already been disposed as herein before stated in this decree, and all lots to have the privilege of obtaining water, for household purposes only, at the large Spring on Lot No. 5, and all of which said lots in each of said two tracts of land are laid down on the plat filed by said Commissioners as part of their report, and said lots are particularly described by metes and bounds in said report. All of the said parties to hold the respective lots assigned them in each of said tracts of land in severalty free from the claims

of their co-owners, except as to the rights and privileges as hereinbefore stated in this decree, and also subject to the following qualification; that it appears by said report that the iron ore and other minerals, in that part of the 72 acre tract of land lying on the North side of the Poor Valley Ridge, were not divided, the said parties are to hold said iron ore and minerals in said part of said 72 acre tract of land in an undivided condition according to their respective interests therein.

And it is further adjudged ordered and decreed that the Clerk of this Court deliver to the Clerk of the County Court to be recorded by him in the proper deed book in his office, a copy of the decree appointing said Commissioners, the report and plat of said Commissioners, and a copy of this decree, and the fees of said County Court Clerk shall be taxed as a part of the costs of this suit.

It is further adjudged ordered and decreed that the parties hereto shall pay the costs of this suit according to their respective interests in the lands partitioned in this cause, and for

1
which execution may issue, and
said costs are declared to be a lien
on said lots in said land, and
there being nothing further to be
done herein, this cause is stricken
from the docket, with leave to
the parties in interest to re-instate
said cause for the purpose of
enforcing said lien if the
same is not paid.

J. M. & C. C. Russell et al.,
Decree Confirming
no { Partition Trial,

Dudley E. Hickman et al.,

Entered on C. C. B. No 6
p 41 \$

Recorded in Deed Book
No. 36. p 314.

Enter this,
Hawthorne
June 12th 1900.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *Dudley E. Hickam, Thomas*
J. Hickam, J. Thomas Bondy Baywood,

to appear at the Clerk's office of the Circuit Court of the County of Lee, at the rules to be held
for the said court, on the *3^d* Monday in *October* 1899, to answer a
bill in chancery exhibited against *them* in our said court by *J. M.*
Russell, C. C. Russell, Annie J. Howard
and M. B. Baywood

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the
court-house, the *5th* day of *October* 1899, and in the 12 *4th* year of the
Commonwealth.

A. B. Munsey Clerk

J. M. & C. Russell.
vs. { SUBPOENA
IN CHANCERY

Dudley E. Hickam et al

B. H. Sewell p. q.

To 2nd October Rules.
1899. Circuit Court.

Executed Oct 7th
1899 by Delivering
Office copy to
Thomas Candy
Hayward
H. J. Mulham S. J. C.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *Dudley E Hickam*
Thomas J Hickam, and J Thomas Leondy
Baywood

to appear at the Clerk's office of the Circuit Court of the County of Lee, at the rules to be held
for the said court, on the *3rd* Monday in *October* 189*9*, to answer a
bill in chancery exhibited against *them* in our said court by *J. M.*
Russell C. C. Russell Annie J Howard
and M. B. Baywood

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the
court-house, the *5th* day of *October* 189*9*, and in the 124th year of the
Commonwealth.

A. B. Munsey Clerk

J. M. C. C. Russell

vs. {

SUBPOENA

IN CHANCERY

Dudley E. Hickam et al.

B. H. Sewell p. q.

To 2nd October Rules.

1899. Circuit Court.

Executed October 13th 1899
by delivering an attested
office copy of the within
subpoena in chancery to Thos. J.
Hickam & Dudley E. Hick-
am R. G. Livesay, Sept
for W. J. Melcham & Co.